

DAVID STEBBINS, )  
)  
Plaintiff, )  
)  
v. ) Case No. 10-3305-CV-S-RED  
)  
RELIABLE HEAT & AIR, LLC, et al., )  
And )  
)  
RANDAL RICHARDSON, et al. )  
)  
Defendants. )

Comes now Plaintiff David Stebbins, who respectfully moves that the Court grant summary judgment on the following issues of material fact in my lawsuit.

- At this point, the remaining questions of material fact are the following:

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which was, in turn, directly tied to the defendants' wrongful termination of the plaintiff?

A brief in support of this motion is attached, and is hereby incorporated by reference.

Wherefore, I respectfully pray that the court grant the above-stated motion, and enter it as a final partial judgment.

A handwritten signature in black ink that reads "David Stebbins". The signature is written in a cursive style with a large, stylized 'S'.

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

<b>DAVID STEBBINS,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 10-3305-CV-S-RED</b>
	)	
<b>RELIABLE HEAT &amp; AIR, LLC, et al.,</b>	)	
<b>And</b>	)	
	)	
<b>RANDAL RICHARDSON, et al.</b>	)	
	)	
<b>Defendants.</b>	)	

**BRIEF IN SUPPORT OF MOTION**

Comes now Plaintiff David Stebbins, who submits the following brief in support of a motion for summary judgment.

I hereby assert the following:

1. On December 16, 2010, the defendants' attorney, Gary W. Allman, responded to the request for admissions that I sent to him on November 19, 2010. See Document #21.
2. The Defendants claimed that I was terminated on June 1, 2009 for “rudeness, abrasiveness, and arrogance.” See Fact #7 in Document #21.
3. The Defendants admitted that I explained my disability to them. See Fact #11 in Document #21. I told him about it on the first day, and *reminded* him of my disability on the third day of my employment; apparently, he (Richardson) does not remember me telling him about it on the first day of my employment, but it is irrelevant, all the same; the bottom line is, I told him about it.
4. The Defendants admitted that the disability I spoke of made me speak harshly to people. See Fact #11 in Document #21.

5. Facts #3 and #4 combine to establish that the reason I was terminated would not have been present, but for my disability.
6. The Defendants admitted that they did not ask me for medical records to prove my disability. See Fact #12 in Document #21. By proxy, that means the defendants took my word for it, that I have Asperger Syndrome.
7. The ADA Amendments Act of 2008 requires the definition of “disability” to be broadly defined. See 42 U.S.C. § 12102(4)(A).
8. There are three definitions of “disability,” in accordance with ADA law. See 42 U.S.C. § 12102. They are:
  - A) A physical or mental impairment that substantially limits one or more major life activities, or
  - B) A record of such an impairment, or
  - C) Being regarded as having such an impairment.
9. I only have to meet one of the above three definitions in order to be “disabled” for the purpose of having standing to pursue a claim of disability discrimination. Meeting more than one of these three definitions would serve as an *ad abundantiam* in my case, but it is not a requirement.
10. The defendants need merely to *perceive* me as disabled, at the time the wrongful termination occurred, for me to meet the third definition of disability. See 42 U.S.C. § 12102(3)(A).
11. Because I explained my disability to the defendants, and they accepted my word, without any documentation, that means that I was *perceived* as being disabled.
12. As a direct result, I have established that I am disabled, without the need to hire an expert

witness.

13. Many court cases may say the opposite of the assertion made in Paragraph #12, but unambiguous statute trumps unambiguous case law, and the ADA Amendments Act of 2008 not only is unambiguous statute that states that a definition of “disability” must be determined as broadly as possible, but it was passed specifically with the purpose of overriding these precedent-setting cases.

14. As it stands, 42 U.S.C. § 12102 explicitly and clearly states that I am disabled, so long as I am *regarded as having* a disability, and I have established exactly that.

Wherefore, I respectfully pray that you grant the partial summary judgment spoken of in the attached motion.

A handwritten signature in black ink that reads "David Stebbins". The signature is written in a cursive, slightly slanted style.

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